

Chapter 13: Section 98. Board of registration of genetic counselors; members; removal and resignation

[Text of section added by 2006, 170, Sec. 2 effective October 11, 2006. See also, Section 98 added by 2006, 135, Sec. 1 effective September 25, 2006, above.]

Section 98. (a) There shall be a board of registration of genetic counselors, called the board in sections 98 to 100, inclusive, which shall consist of 5 members to be appointed by the governor, 4 of whom shall be genetic counselors licensed under this section, and 1 member of the general public. Members of the board shall be residents of the commonwealth.

(b) Each member of the board shall serve for a term of 3 years and until the governor appoints a successor. No member shall be appointed to more than 2 consecutive full terms. A member appointed for less than a full term may serve 2 full terms in addition to such part of a full term. A former member shall be eligible for appointment after a lapse of 1 year.

(c) A member may be removed by the governor for neglect of duty, misconduct or malfeasance or misfeasance in office after a written notice of the charges against him and an opportunity to be heard. Upon the death, resignation or removal for cause of any member of the board, the governor shall fill the vacancy for the remainder of that member's year.

Chapter 13: Section 99. Election of officers by board of registration of genetic counselors; meetings; reimbursement of expenses

[Text of section added by 2006, 170, Sec. 2 effective October 11, 2006. See also, Section 99 added by 2006, 135, Sec. 1 effective September 25, 2006, above.]

Section 99. The board shall, at its first meeting and annually thereafter, organize by electing from its membership a chairman, a vice-chairman and a secretary. Those officers shall serve until their successors are elected and qualified.

The board shall meet at least 2 times annually and shall hold additional meetings at the call of the chairman or at such times as may be determined by the board.

Board members shall serve without compensation but shall be reimbursed for actual and reasonable expenses incurred in the performance of their duties.

Chapter 13: Section 100. Powers and duties of board of registration of genetic counselors

[Text of section added by 2006, 170, Sec. 2 effective October 11, 2006.]

Section 100. The board shall have the following powers and duties:

(a) to promulgate regulations and adopt such rules as are necessary to regulate genetic counselors;

(b) to recommend policy and budgetary matters to the division of professional licensure;

(c) to receive, review, approve or disapprove applications for licensing, renewal and reinstatement and to issue those licenses;

(d) to establish administrative procedures for processing applications for licenses and license renewals and to hire or appoint such agents as are appropriate for processing applications for licenses and license renewals;

(e) to retain records of its actions and proceedings in accordance with public records laws;

(f) to establish specifications for the licensing examination, which may be or may include the complete certification examination given by the American Board of Genetic Counseling or the American Board of Medical Genetics, or its successor, and to provide or procure appropriate examination questions and answers and to establish examination procedures;

(g) to define by regulation the appropriate standards for education and experience necessary to qualify for licensing, including, but not limited to, continuing professional education requirements for licensed genetic counselors and provisional licensed genetic counselors, which shall be no less stringent than those of the American Board of Genetic Counseling, or its successor, and for the conduct and ethics which shall govern the practice of genetic counseling;

(h) to establish standards of supervision for students or persons in training to become qualified to obtain a license in the occupation or profession it represents;

(i) to fine, censure, revoke, suspend or deny a license, place on probation, reprimand or otherwise discipline licensees for violations of the code of ethics or the rules of the board in accordance with section 233 of chapter 112, but the board shall not have the power of subpoena.

(j) to summarily suspend the license of a licensee who poses an imminent danger to the public but a hearing shall be afforded to the licensee within 7 days of an action by the board to determine whether such summary action is warranted; and

(k) to perform such other functions and duties as may be required to carry out this section.

Chapter 112: Section 227. Definitions for Secs. 227 to 233

[Text of section added by 2006, 170, Sec. 3 effective October 11, 2006. See also, Section 227 added by 2006, 135, Sec. 2 effective September 25, 2006, above.]

Section 227. As used in sections 227 to 233, inclusive, the following words, shall unless the context requires otherwise, have the following meanings:-

"ABGC", the American Board of Genetic Counseling, a national agency for certification and recertification of genetic counselors or its successor agency.

"ABMG", American Board of Medical Genetics, a national agency for certification and recertification of genetic counselors, MD geneticists and PhD geneticists or its successor agency.

"Board", the board of registration of genetic counselors.

"General supervision", a supervisor, whether a licensed genetic counselor or MD, who has the overall responsibility to assess the work of the supervisee, whether a provisional or fully-licensed genetic counselor, including regular meetings and chart review; provided, however, that an annual supervision contract signed by the supervisor and supervisee shall be on file with both parties.

"Licensed genetic counselor", a person licensed under section 100 of chapter 13 to engage in the practice of genetic counseling.

"Practice of genetic counseling", a communication process, conducted by 1 or more appropriately trained individuals, that may include:

(a) estimating the likelihood of occurrence or recurrence of a birth defect or of any potentially inherited or genetically influenced condition. This assessment may involve:

(1) obtaining and analyzing a complete health history of the person and family;

(2) reviewing pertinent medical records;

(3) evaluating the risks from exposure to possible mutagens or teratogens; and

(4) recommending genetic testing or other evaluations to diagnose a condition or determine the carrier status of 1 or more family members;

(b) helping the individual, family, health care provider or public to:

(1) appreciate the medical, psychological and social implications of a disorder, including its features, variability, usual course and management options;

(2) learn how genetic factors contribute to the disorder and affect the chance for recurrence of the condition in other family members;

(3) understand available options for coping with, preventing or reducing the chance of occurrence or recurrence of a condition;

(4) select the most appropriate, accurate and cost-effective methods of diagnosis; and

(5) understand genetic or prenatal tests, coordinate testing for inherited disorders, and interpret complex genetic test results; and

(c) facilitating an individual's or family's:

(1) exploration of the perception of risk and burden associated with the disorder;

(2) decision-making regarding testing or medical interventions consistent with their beliefs, goals, needs, resources, culture and ethical or moral views; and

(3) adjustment and adaptation to the condition or their genetic risk by addressing needs for psychological, social and medical support.

"Provisional licensed genetic counselor", a person with a provisional license issued under section 230.

Chapter 112: Section 228. Genetic counselors; license applications; fee; proof of age, moral character, and educational and professional requirements

[Text of section added by 2006, 170, Sec. 3 effective October 11, 2006. See also, Section 228 added by 2006, 135, Sec. 2 effective September 25, 2006, above.]

Section 228. An application for original license, license renewal or for the licensing examination shall be made on forms approved by the board and accompanied by the appropriate fee. The fee for original licenses and renewals shall be determined by the secretary of administration and finance. An applicant for original license shall be sworn and shall furnish satisfactory proof that he is at least 18 years old, of good moral character and has met the educational and professional experience requirements prerequisite to sitting for the licensing examination.

Chapter 112: Section 229. Education and experience requirements for genetic counselor applicants

[Text of section added by 2006, 170, Sec. 3 effective October 11, 2006. See also, Section 229 added by 2006, 135, Sec. 2 effective September 25, 2006, above.]

Section 229. An applicant for registration as a genetic counselor shall have:

(a) successfully completed a genetic counseling education program approved by the board; provided, however, that the program shall meet the educational standards established by the ABGC or its successor; and provided further that the board shall require continuing education as a condition for license renewals;

(b) earned a masters degree from a genetic counseling training program that is accredited by the ABGC or an equivalent as determined by the ABGC, or a doctoral degree from a medical genetics training program that is accredited by the ABMG or an equivalent as determined by the ABMG;

(c) completed such experience as may be required by the board.

Chapter 112: Section 230. Practice as provisional licensed genetic counselor; expiration; extension; supervision by professional licensed genetic counselor

[Text of section added by 2006, 170, Sec. 3 effective October 11, 2006. See also, Section 230 added by 2006, 135, Sec. 2 effective September 25, 2006, above.]

Section 230. A person who meets the qualifications to be admitted to the examination for licensure as a genetic counselor may, between the date of filing an application for licensure and the announcement of the results of the next succeeding examination, practice as a provisional licensed genetic counselor upon filing an approved application with the board and payment of a fee to be determined by the secretary of administration and finance. The board may grant a provisional license to a person who successfully completes a genetic counseling education program approved by the board and is qualified to be admitted to the examination. Such license shall be valid for 2 years from the date of its issue and may be renewed for an additional 2 years if an applicant fails the first sitting of the ABGC or ABMG certification exam. Such provisional license shall expire automatically upon the earliest of the following:

- (a) issuance of a full license;
- (b) 30 days after the applicant fails to pass the complete examination; or
- (c) the date printed on the temporary license.

An application for extension shall be signed by a supervising licensed genetic counselor. A provisional licensed genetic counselor shall be under the general supervision of a licensed genetic counselor or a licensed physician with current ABMG certification in clinical genetics at all times during which the provisional licensed genetic counselor performs clinical genetic counseling. The board shall adopt rules governing such supervision and direction which may not require the immediate physical presence of the supervising licensed genetic counselor.

Chapter 112: Section 231. Examinations for certification as genetic counselors and as Ph.D. medical geneticists

[Text of section added by 2006, 170, Sec. 3 effective October 11, 2006. See also, Section 231 added by 2006, 135, Sec. 2 effective September 25, 2006, above.]

Section 231. (a) The board shall examine applicants for certification as genetic counselors at such times and places as it may determine. The examination shall meet the standards established by the ABGC. The examination shall test an applicant's knowledge of basic and clinical sciences as they relate to genetic counseling theory and practice and other subjects as the board may deem useful to determine the applicant's fitness to act as a genetic counselor. The board may utilize a national examination that meets the requirements of this section.

(b) The board shall examine applicants for certification as Ph.D. medical geneticists at such times and places as it may determine. The examination shall meet the standards established by the ABMG. The examination shall test an applicant's knowledge of basic and clinical sciences as they relate to genetic counseling theory and practice and other subjects as the board may deem useful to determine the applicant's fitness to act as a genetic counselor. The board may utilize a national examination that meets the requirements of this section.

Chapter 112: Section 232. Practice of genetic counseling by unlicensed persons; exceptions

[Text of section added by 2006, 170, Sec. 3 effective October 11, 2006. See also, Section 232 added by 2006, 135, Sec. 2 effective September 25, 2006, above.]

Section 232. No person shall hold himself out as a genetic counselor unless he is licensed in accordance with section 230 or section 100 of chapter 13. No person who is not so licensed may use in connection with his name or place of business, the title "genetic counselor", "licensed genetic counselor", "gene counselor", "genetic consultant", "genetic associate" or any words, letters, abbreviations or insignia indicating or implying a person holds a genetic counseling license.

Nothing in this section shall be construed to prevent or restrict the practice, service or activities of:

(a) any person licensed, certified, or registered in the commonwealth, by any other statute other than as a genetic counselor from engaging in activities within the scope of practice of the profession or occupation for which he is licensed provided that he does not represent to the public, directly or indirectly, that he is licensed under section 230 or section 100 of chapter 13, and that he does not use any name, title or designation indicating that the person is licensed under those sections;

(b) any person employed as a genetic counselor by the federal government or an agency thereof if such person provides genetic counseling services solely under the direction and control of the organization by which he is employed;

(c) a student or intern enrolled in an approved genetic counseling education program if genetic counseling services performed by the student are an integral part of the student's course of study and are performed under the direct supervision of a licensed genetic counselor assigned to supervise the student and who is on duty and available in the assigned patient care area and if the person is designated by a title which clearly indicates his status as a student or intern;

(d) an individual trained as a genetic counselor, who is reapplying for the ABGC certification examination and gathering logbook cases under general supervision in an approved genetic counseling training site;

(e) an individual trained as a Ph.D. medical geneticist who is reapplying for the ABMG certification examination and is gathering logbook cases under a supervisor identified in the training program's ABMG accreditation documents as a member of the training faculty; and

(f) visiting ABGC or ABMG-certified genetic counselors from outside the commonwealth operating as consultants or the use of occasional services of organizations from outside the commonwealth employing ABGC or ABMG-certified genetic counselors.

Chapter 112: Section 233. Grounds for denial, refusal to renew, revocation, suspension or cancellation of genetic counselor license

[Text of section added by 2006, 170, Sec. 3 effective October 11, 2006. See also, Section 233 added by 2006, 135, Sec. 2 effective September 25, 2006, above.]

Section 233. The board may deny or refuse to renew a license or, after a hearing pursuant to section 100 of chapter 13, revoke, suspend or cancel the license or place on probation, reprimand, censure or otherwise discipline a licensee upon proof satisfactory to a majority of the board that the person has:

- (a) obtained or attempted to obtain a license by fraud or deception;
- (b) been convicted of a felony under state or federal law or committed any other offense involving moral turpitude;
- (c) been adjudged mentally ill or incompetent by a court of competent jurisdiction;
- (d) used illicit drugs or intoxicating liquors to the extent which adversely affects his practice;
- (e) engaged in unethical or unprofessional conduct including, but not limited to, willful acts, negligence or incompetence in the course of professional practice;
- (f) violated any lawful order, rule or regulation rendered or adopted by the board; or
- (g) been refused issuance or been disciplined in connection with a license issued by any other state or country.